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## FACSIMILE COVER SHEET

DATE: October 6, 2005  
TO: Examiner HOM, Shick C. FAX NO.: 703-872-9306  
USPTO - GAU 2666  
FROM: Adam D. Sheehan  
Reg. No. 42,146  
RE: **REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT**

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U.S. APP NO.: 10/766,314  
FILING DATE: 01/28/2004  
APPLICANT(S): Stuart Lynch Blackburn  
ATTY DKT NO.: 1033-NW1001  
TITLE: **DIGITAL SUBSCRIBER LINE USER CAPACITY ESTIMATION**  
NO. OF PAGES (INCL. COVER SHEET): 13

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## MESSAGE:

Attached please find:

- ☒ PTO/SB/21 Transmittal Form (1 pg.)
- ☒ Reply to Notice of Non-Compliant Amendment (1 pg.)
- ☒ Reply to Non-Final Office Action (10 pgs.)

5000 Plaza On The Lake  
Suite 265  
AUSTIN, TEXAS 78746

Tel: (512) 327-5515  
Fax: (512) 327-5452

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PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

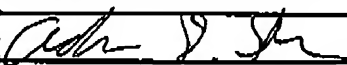
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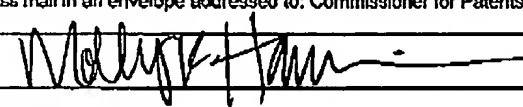
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/766,314	
	Filing Date	January 28, 2004	
	First Named Inventor	Stuart Lynch Blackburn	
	Art Unit	2666	
	Examiner Name	HOM, Shick C.	
Total Number of Pages in This Submission	12	Attorney Docket Number	1033-NW1001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) Replacement Sheets 1, 6 <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks CUSTOMER NO.: 34456		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	TOLER, LARSON & ABEL, LLP		
Signature			
Printed name	Adam D. Sheehan		
Date	October 6, 2005	Reg. No.	42,146

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Molly K. Harrison	Date	October 6, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stuart Lynch Blackburn

Title: DIGITAL SUBSCRIBER LINE USER CAPACITY ESTIMATION

App. No.: 10/766,314

Filed: 01/28/2004

Examiner: HOM, Shick C.

Group Art Unit: 2666

Customer No.: 34456

Confirmation No.: 1206

Atty. Dkt No.: 1033-NW1001

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M/S AMENDMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

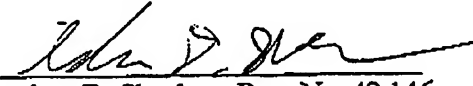
## REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir:

In reply to the Notice of Non-Compliant Amendment mailed September 19, 2005, a copy of the Reply to Non-Final Office Action is provided. Applicant believes the attached reply is in compliance with 37 C.F.R. §1.121.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

10/6/05  
Date  
Adam D. Sheehan; Reg. No. 42,146  
Attorney for Applicant  
TOLER, LARSON & ABEL, L.L.P.  
5000 Plaza On The Lake, Suite 265  
Austin, Texas 78746  
(512) 327-5515 (phone)  
(512) 327-5452 (fax)

PATENT

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M/S AMENDMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

## REPLY TO NON-FINAL OFFICE ACTION

Dear Sir:

In reply to the Non-Final Office Action mailed March 25, 2005, please amend the above-identified application as follows:

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>October 6, 2005</u>	
<u>Molly K. Harrison</u>	<u>[Signature]</u>
Typed or Printed Name	Signature